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5 – and –  
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9 Lead Counsel for Plaintiffs

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12

13 In re UTSTARCOM, INC. SECURITIES  
LITIGATION

) Master File No. C-04-4908-JW(PVT)

) CLASS ACTION

14  
15 This Document Relates To:

) STIPULATION TO ALLOW PLAINTIFFS  
) TO FILE AN AMENDED CONSOLIDATED  
) COMPLAINT

16 ALL ACTIONS.  
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1 WHEREAS, on June 30, 2005, lead plaintiff Locals 302 and 612 of the International Union  
2 of Operating Engineers-Employers Construction Industry Retirement Trust and Erwin DeBruycker  
3 (“plaintiffs”) filed their Consolidated Complaint for Violation of the Federal Securities Laws;

4 WHEREAS, on July 1, 2005, plaintiffs filed a [Corrected] Consolidated Complaint for  
5 Violation of the Federal Securities Laws;

6 WHEREAS, plaintiffs believe that subsequent investigation has revealed additional facts that  
7 plaintiffs seek to present to the Court;

8 WHEREAS, Fed. R. Civ. P. 15(a) allows a party to amend its pleading by written consent of  
9 the adverse party;

10 WHEREAS, the parties have met and conferred on the matter, and defendants consent to  
11 plaintiffs’ filing an Amended Consolidated Complaint;

12 NOW, THEREFORE, IT IS HEREBY STIPULATED, pursuant to Civil L.R. 7-12, that:

13 1. Plaintiffs shall file an Amended Consolidated Complaint for Violation of the Federal  
14 Securities Laws on July 26, 2005;

15 2. Defendants shall file their response to the amended consolidated complaint on or  
16 before October 10, 2005;

17 3. Should defendants file a motion to dismiss, plaintiffs shall file their opposition thereto  
18 on or before November 23, 2005;

19 4. Defendants shall file any reply in support of their motion to dismiss on or before  
20 December 22, 2005;

21 5. The hearing on defendants’ motion to dismiss shall be set for Monday, January 9,  
22 2006 at 9:00 a.m.; and

1           6.       The Case Management Conference currently set for August 29, 2005 shall be set for  
2 Monday, January 9, 2006, following the hearing on defendants' motion to dismiss.

3 DATED: July 26, 2005

LERACH COUGHLIN STOIA GELLER  
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DATED: 7/26/05

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Attorneys for Defendants

\* \* \*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 7/27/05 /s/ James Ware  
THE HONORABLE JAMES WARE  
UNITED STATES DISTRICT JUDGE

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DECLARATION OF SERVICE BY MAIL AND FACSIMILE

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and employed in the City and County of San Francisco, over the age of 18 years, and not a party to or interested party in the within action; that declarant's business address is 100 Pine Street, Suite 2600, San Francisco, California 94111.

2. That on July 26, 2005, declarant served the **STIPULATION TO ALLOW PLAINTIFFS TO FILE AN AMENDED CONSOLIDATED COMPLAINT** by depositing a true copy thereof in a United States mailbox at San Francisco, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List. Declarant also served the parties by facsimile.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 26th day of July, 2005, at San Francisco, California.

/S/  
DEBORAH R. DASH

UTSTARCOM 04 (CA) (LEAD)

Service List - 7/1/2005 (04-0558C)

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